

ACT OF MARCH 3, 1879¹

[As Amended Through P.L. 91-230, Enacted April 13, 1970]

【Currency: This publication is a compilation of the text of Chapter 186 of the 45th Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT to promote the education of the blind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and fifty thousand dollars, out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at four per centum, of the issue of July, eighteen hundred and seventy, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

SEC. 3. The Secretary of Health, Education, and Welfare is hereby authorized to pay over semiannually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in 1858 by the Legislature of Kentucky, upon requisition of their president, countersigned by their treasurer, one-half of such annual appropriation upon the following conditions:

First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each

¹ 20 Stat. 467; chapter 186.

public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein.

Second. No part of the appropriation shall be expended in the erection or leasing of buildings; but the trustees of the American

Printing House for the Blind may use each year a reasonable sum of the annual appropriation for salaries and other expenses of experts and other staff to assist special committees which may be appointed in performance of their functions, and for expenses of such special committees.

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Kentucky; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Kentucky, are not using the income from these bonds for the benefit of the blind in the public and private nonprofit institutions for the education of the Blind in the United States.

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of twenty thousand dollars, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Sixth. The superintendent of each public institution for the education of the blind (or his designee) and the chief State school officer (or his designee), of each State and possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, shall each, ex officio, be a member of the Board of Trustees of the American Printing House for the Blind only for purposes of administering this Act.

SEC. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public or private nonprofit institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

SEC. 5. That this act shall take effect from and after its passage.

【See 20 U.S.C. 101 et seq. and note 8 below】

Notes

(1) Effective October 1, 1989, section 402(a) of Public Law 100-630 terminated the perpetual trust fund established pursuant to the Act of March 3, 1879, and the Act of June 25, 1906, and also terminated the permanent annual appropriation for the fund. (The Public Law did not amend these Acts.) See note 2 below for the text of the Act of June 25, 1906. The separate authorization of ap-

appropriations for the American Printing House of the Blind is not affected by this termination (see section 403 of the Public Law). See note 3 below for the text of the law that establishes this separate authorization of appropriations.

Section 404 of Public Law 100–630 provides as follows: “Any and all rights of the American Printing House of the Blind determined to have vested in the perpetual trust fund established by the Act of March 3, 1879, shall be deemed to be compensated by the appropriation to the American Printing House for the Blind for fiscal year 1990.”

Section 405 of that Public Law provides as follows: “Notwithstanding any Federal law, reference to the perpetual trust fund and permanent annual appropriations thereof established by the Act of March 3, 1879, shall not be given any effect.”

(2) The Act of June 25, 1906, provides as follows: “That the sum of two hundred and fifty thousand dollars heretofore invested in United States registered four per centum bonds, funded loan of nineteen hundred and seven, inscribed ‘Secretary of the Treasury, trustee—interest to the Treasurer of the United States for credit of appropriation “To promote the education of the blind,” shall upon the maturity and redemption of said bonds on the first day of July, nineteen hundred and seven, in lieu of reinvestment in other Government bonds, be set apart and credited on the books of the Treasury Department as a perpetual trust fund; and the sum of ten thousand dollars, being equivalent to four per centum on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by the Act approved March third, eighteen hundred and seventy-nine, entitled “An Act to promote the education of the blind,” approved March 3, 1879.”

(3) The Act of August 4, 1919, as amended by section 403 of Public Law 100–630, provides as follows: “That for the purpose of enabling the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind, there is hereby authorized to be appropriated annually to it, such sum as the Congress may determine; which sum shall be expended in accordance with the requirements of said Act, under rules and regulations prescribed by the Secretary of Health, Education, and Welfare, to promote the education of the blind.”

Section 403 of that Public Law amended the above Act (the Act of August 4, 1919) by striking a clause that indicated that the authorization of appropriations provided in the Act was in addition to the permanent appropriation provided in the Act of March 3, 1879. The amendment failed to strike the commas preceding and following the stricken clause (see superfluous commas preceding the term “such sum”).

(4) The Act of March 4, 1913, provides in part as follows: “The distribution of embossed books manufactured by the American Printing House for the Blind at Louisville, Kentucky, out of the income of the fund provided by the Act of [March 3, 1879,] shall include one copy of every book so manufactured to be deposited in the Library of Congress at Washington.”

(5) The Act of November 4, 1919, provides in part as follows: “That two copies of each of the publications printed by the American Printing House for the Blind shall be furnished free of charge to the National Library for the Blind located at [1729 H Street Northwest, Washington, District of Columbia].”.

(6) Public Law 95–355 provides in part that the American Printing House for the Blind may make purchases through the General Services Administration.

(7) Public Law 102–394 provides in part that funds appropriated in Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts to the American Printing House for the Blind “shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits”.

(8) Chapter 6 of title 20, United States Code (20 U.S.C. 101 et seq.), codifies certain provisions relating to the American Printing House for the Blind. In the 1982 edition of the Code, portions of the first section of the Act of March 3, 1879, were codified in section 101 of title 20 of the Code. Also codified in such section were portions of the Act of June 25, 1906, and the Act of August 4, 1919, whose texts are provided in notes above. These Acts affected the operation of the Act of March 3, 1879, but did not amend the Act.

The relevant provisions of the Act of March 4, 1913, the Act of November 4, 1919, Public Law 95–355, and Public Law 102–394, whose texts are described in notes above, are codified in sections 105, 103, 106, and 106a, respectively, of title 20 of the Code. These provisions affect the operation of the Act of March 3, 1879, but did not amend the Act.